

SEVENTH DAY

(Tuesday, January 23, 1979)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Blake, Braecklein, Brooks, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Absent-excused: Andujar, Clower.

A quorum was announced present.

The Reverend Dr. Marvin C. Griffin, Ebenezer Baptist Church, Austin, offered the invocation as follows:

Grant unto us, O Lord, Your guidance and power this day. Help us see clearly and act courageously and justly for the welfare of all the people of this great state.

May the concern and care we manifest reflect the passion for justice and promote the quality of life which constitutes the ground and goal of good government. Make us truly responsive to the call of duty and loyal to that which is highest and best.

Dear Lord, help us, each one, to speak the truth and uphold the right, that we may obey Your Holy will and fulfill Your divine purpose. AMEN.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Andujar was granted leave of absence for today on account of important business on motion of Senator Snelson.

Senator Clower was granted leave of absence for today on account of important business on motion of Senator Doggett.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolutions:

H.C.R. 6
H.C.R. 25

CO-AUTHOR OF SENATE BILL 68

On motion of Senator Ogg and by unanimous consent, Senator Schwartz will be shown as Co-author of **S.B. 68**.

CO-AUTHORS OF SENATE BILL 44

On motion of Senator Brooks and by unanimous consent, Senators Kothmann, Jones of Harris, Vale, Braecklein, Williams, Ogg, Mauzy, Traeger, Short and Harris will be shown as Co-authors of **S.B. 44**.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 219 by Parker Economic Development
Relating to credit property insurance and credit casualty insurance.

S.B. 220 by Jones of Harris Jurisprudence
Relating to the Uniform Foreign Country Money-Judgment Recognition Act and the recognition of money judgments by courts of foreign countries.

S.B. 221 by Jones of Harris Jurisprudence
Relating to the right of an accused to an examining trial.

S.B. 222 by Longoria, Traeger, Economic Development
Brooks, Mengden, Andujar
Relating to the creation, administration, powers, duties, and financing of the Texas Public School Employees Group Insurance Program.

S.B. 223 by Schwartz Intergovernmental Relations
Relating to the compensation, expenses, and allowances of official shorthand reporters who are paid wholly from county funds; amending Section 3, Chapter 622, Acts of the 62nd Legislature, Regular Session, 1971 (Article 3912 k, Section 3, Vernon's Texas Civil Statutes) and declaring an emergency.

S.B. 224 by Mauzy Education
Relating to tuition fees for certain public school transfer students; amending Sections 21.062 and 21.063, Texas Education Code, as amended; and declaring an emergency.

S.B. 225 by Mauzy Education
Delegating certain duties relating to higher education to the Coordinating Board, Texas College and University System, and amending Section 61.058, Texas Education Code, as amended.

S.B. 226 by Vale Education
Relating to allocations for capital outlay under the Minimum Foundation School Program.

S.B. 227 by Vale Education
Relating to student service fees for a student union at The University of Texas at San Antonio.

S.B. 228 by Farabee Jurisprudence
Relating to the power of the probate court to grant independent administration of decedents' estates.

S.B. 229 by Farabee Intergovernmental Relations
Relating to the creation, establishment, administration, maintenance, operation, and financing of the Chillicothe Hospital District of Hardeman County, Texas, by authority of Article IX, Section 9, of the Texas Constitution.

S.B. 230 by Mauzy Jurisprudence
Relating to workers' compensation insurers' appointment of an agent for service of process and for receiving other communications.

S.B. 231 by Mauzy Jurisprudence
Relating to workers' compensation death benefits.

S.B. 232 by Mauzy Jurisprudence
Relating to the effect of sick leave and emergency leave on workers' compensation for state employees.

S.B. 233 by Mauzy Jurisprudence
Relating to notice of cancellation of policies by insurance companies writing workers' compensation insurance.

S.B. 234 by Mauzy Jurisprudence
Relating to workers' compensation settlement agreements.

S.B. 235 by Mauzy Jurisprudence
Relating to worker's compensation law; amending Section 6a, Article 8307, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 236 by Mauzy Jurisprudence
Relating to payment of charges of medical witnesses in cases under the worker's compensation law; amending Article 8306, Revised Civil Statutes of Texas, 1925, as amended, by adding a new Section 7-f; and declaring an emergency.

S.B. 237 by Mauzy Jurisprudence
Relating to worker's compensation awards; amending Subsection (a), Section 8, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, and adding Subsection (c); amending Sections 10 and 11, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; amending Section 5a, Article 8307, Revised Civil Statutes of Texas, 1925; amending Section 1, Chapter 248, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 8306a, Revised Civil Statutes of Texas); repealing Section 12, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; providing an effective date; and declaring an emergency.

S.B. 238 by Mauzy Jurisprudence
Relating to the weekly compensation benefits paid to injured employees or their beneficiaries under the worker's compensation law; amending Subsection (a), Section 8, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, and adding Subsection (e); amending Sections 10, 11, and 12, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; providing an effective date; and declaring an emergency.

S.B. 239 by Mauzy Jurisprudence
Relating to state funding for school district workers' compensation and unemployment compensation.

S.B. 240 by Mauzy, Longoria Jurisprudence
Relating to the application of the worker's compensation law to farm and ranch laborers; amending Section 2, Article 8306, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 241 by Mauzy Jurisprudence
Relating to the power of the Industrial Accident Board to order the association to make compensation and medical benefit payments in cases of emergency or impending necessity; adding Section 4a to Article 8309, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

S.B. 242 by Mauzy Jurisprudence
Relating to worker's compensation law; amending Sections 11, 12a, and 12c, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; repealing Sections 12 and 12b, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

S.B. 243 by Moore Economic Development
Relating to the authority of the Railroad Commission to set certain rates; amending Subdivision (12), Article 1175, Revised Civil Statutes of Texas, 1925, as amended, and Subsections (a) and (b), Section 19, and Section 26, Chapter 721, Acts of the 64th Legislature, Regular Session, 1975 (Article 1446c, Vernon's Texas Civil Statutes), and repealing Article 6058, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

S.B. 244 by Moore State Affairs
Relating to the conveyance of certain state-owned land by the Texas Board of Corrections in exchange for land belonging to Walker County.

S.B. 245 by Moore State Affairs
Relating to the sale of certain property by the Texas Board of Corrections and the purchase of new land with proceeds from the sale, or to the exchange of the property for other land; reappropriating money deposited in the special fund.

S.B. 246 by Farabee Economic Development
Amending Article 1.07, Title 79, Revised Civil Statutes of Texas 1925, as amended (Article 5069-1.07, Vernon's Texas Civil Statutes) by amending subsection (a) thereof relating to the determination of the legal rate of interest on certain loans; by adding a new subsection (e) thereto relating to the amount of late penalties chargeable on certain loans that does not constitute interest, and declaring an emergency.

S.B. 247 by Farabee Economic Development
Amending Subsection (1) of Article 1.06, Title 79, Revised Civil Statutes of Texas 1925 (Article 5069-1.06 Vernon's Texas Civil Statutes) providing for forfeiture of certain interest charges and declaring an emergency.

MESSAGE FROM THE HOUSE

House Chamber
January 23, 1979

HONORABLE WILLIAM P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

H.C.R. 8 in memory of former state representative Joe D. Carter

H.C.R. 20 inviting President Carter, and Vice-President Mondale to address a joint session of the legislature

H.C.R. 29 commending the Dallas Cowboys

S.C.R. 14 inviting President Jose Lopez Portillo, President of Mexico to address a joint session of the legislature

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE APPOINTED

In accordance with the provisions of **S.C.R. 10**, the President announced the appointment of the following as a Committee to Escort Governor Clements to the Joint Session: Senators Braecklein, Chairman; Aikin, Senate Dean Emeritus; Harris, Mengden, Price and Kothmann.

HOUSE CONCURRENT RESOLUTION 29 ON SECOND READING

The President laid before the Senate on its second reading:

H.C.R. 29, Commending the Dallas Cowboys for the pleasure and honor they have brought to the citizens of this state and for their extraordinary accomplishments in professional football.

The resolution was read.

On motion of Senator Braecklein and by unanimous consent, the resolution was considered immediately and was adopted.

HOUSE CONCURRENT RESOLUTION 8 ON SECOND READING

The President laid before the Senate on its second reading:

H.C.R. 8, In memory of former State Representative Joe D. Carter.

The resolution was read.

On motion of Senator Howard and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

MOTION TO ADJOURN

On motion of Senator Moore and by unanimous consent, the Senate agreed at 10:45 o'clock a.m. to stand adjourned at the conclusion of the Joint Session until 10:30 o'clock a.m. tomorrow.

JOINT SESSION

(To hear address of Governor William P. Clements, Jr.)

The President announced that the hour for the Joint Session of the two Houses to hear the address of Governor William P. Clements, Jr., pursuant to the provisions of **S.C.R. 10**, had arrived.

Accordingly, the Senators present, accompanied by the Secretary of the Senate and the Sergeant-at-Arms, repaired to the Hall of the House of Representatives at 11:00 o'clock a.m.

The President, by invitation of the Speaker of the House, occupied a seat on the Speaker's Rostrum.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Bill Clayton, Speaker of the House, announced the purpose of the Joint Session and announced a quorum of the House present.

The Honorable William P. Clements, Jr., Governor of the State of Texas, accompanied by Mrs. Clements, and members of his party was announced by the Doorkeeper of the House.

The Governor's party was escorted to the Speaker's Rostrum by Senators Braecklein; Aikin, Senate Dean Emeritus; Harris, Mengden, Price and Kothmann, and Representatives Craddick, Agnich, Blanton, Blythe, Ceverha, Close, Davis, DeLay, Emmett, Fox, Gaston, Hartung, Henderson, Jackson, Leonard, Maloney, McFarland, Nowlin, Robinett, Untermeyer, Ware and Wright on the part of the House.

Speaker Clayton then presented to the Joint Session Mrs. Rita Clements, First Lady of Texas.

The following distinguished guests and members of the Governor's party were then introduced by Speaker Clayton: Dean A. M. Aikin, Jr., Dean Emeritus of the Senate; Commissioner of Agriculture, Reagan Brown; Members and Chairman of the Railroad Commission, Mack Wallace, Jim Nugent and John Poerner; Land Commissioner, Bob Armstrong; Treasurer, Warren G. Harding; and Comptroller, Bob Bullock.

Speaker Clayton then introduced Presiding Judge of the Court of Criminal Appeals, Jack Onion, who presented the following Judges on that Court: Leon Douglas, Truman Roberts, Tom Davis, W. C. Davis, Wendell Odom, Carl Dally, W. T. Phillips and Sam Houston Clinton.

Speaker Clayton then introduced Chief Justice of the Supreme Court, Joe R. Greenhill, who presented the following Judges on that Court: Zollie Steakley, Jack Pope, Sears McGee, Jim Denton, Sam Johnson, Charles Barrow, Franklin Spears and Robert Campbell.

Speaker Clayton then introduced His Excellency, The Honorable William P. Clements, Jr., Governor of Texas, to the Joint Session.